HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 874 OF 2006

PETITIONER

M/s. Kishorilal Shreekishan
(A proprietorship concern),
through its Sole Proprietor
Damodar Agrawal,
S/o Late Shreekishan Agrawal,
Aged about 45 years,
Occupation : Business,
R/o Ganj Line, Rajnandgaon,
District Rajnandgaon,
Chhattisgarh.

Versus

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary, Forests,
Forest & Cultural Department,
Mantralaya, D.K.S. Bhawan,
Raipur, Chhattisgarh.
2. Chief Conservator of Forests/
Managing Director,
State of Chhattisgarh,
Raipur, Chhattisgarh.
3. Conservator of Forests,
Durg Circle, Durg,
Chhattisgarh.
4. Chhattisgarh State Minor Forest
Produce (Trade and Development)
Cooperative Society, Through its
Managing Director, V.I.P. Road,
Raipur, Chhattisgarh.
5. Divisional Forest Officer/
Managing Director,
District Minor Forest Produce
Cooperative Union Limited,
Durg, Chhattisgarh.

Present : Mr. Rajiv Shrivastava, learned counsel for the petitioners.
Mr. Yashwant Singh, learned G.A., for the State of Chhattisgarh.

ORAL ORDER
(Passed on 22nd February 2006.)

This writ petition arises out of a contract awarded to the petitioner by the fourth respondent, Chhattisgarh State Minor Forest Produce (Trade and Development) Co-operative Society, to purchase the gum collected by the Co-operative Societies within the range of Durg Unit. The petitioner being aggrieved by an adverse order made by the fifth respondent dated 30/09/2000 has already preferred an appeal to the Chief Conservator of Forests, the second respondent herein, and it is stated that the said appeal is still pending. When the matter stood thus, it appears that the Additional Chief Conservator of Forests, after conducting an enquiry submitted a report which is said to be favourable to the petitioner recommending for refund of the EMD etc., and the when the petitioner made a request to the fourth respondent – Society to implement the above recommendation of the Additional Chief Conservator of Forests, the fourth respondent- Society refused to comply with it and on the other hand, they have issued the impugned order.

(2) The dispute brought before this Court, it cannot be denied and it is not denied, arises out of an ordinary contract awarded to the petitioner. Since the issue is seized by the appellate authority, the second respondent herein, there is no need for this Court to undertake adjudication of the merits of the claim put forth by the petitioner. The petitioner can make appropriate application before the second respondent – appellate authority in the pending appeal. That liberty is reserved to the petitioner. I direct the second respondent – Chief Conservator of Forests, State of Chhattisgarh, to hear and dispose of the appeal preferred by the petitioner against the order of the fifth respondent

dated 30/09/2000, if not already done, within a period of three months from the date of receipt of a copy of this order.

Sd/-
Chief Justice